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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

SEP 18 2005

|                                 |   |                          |
|---------------------------------|---|--------------------------|
| First Named Applicant: Auerbach | ) | Art Unit: 2651           |
|                                 | ) |                          |
| Serial No.: 10/786,692          | ) | Examiner: Slavitt        |
|                                 | ) |                          |
| Filed: February 25, 2004        | ) | HSJ920030241US1          |
|                                 | ) |                          |
| For: SYSTEM AND METHOD FOR      | ) | 750 B Street, Suite 3120 |
| CORRECTING FOR HEAD TILT IN     | ) | San Diego, CA 92101      |
| HDD                             | ) |                          |
|                                 | ) | Customer No.: 24955      |

**FACSIMILE TRANSMITTAL LETTER FOR TERMINAL DISCLAIMER  
AND RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
Alexandria, VA 22313  
Facsimile No.: (571) 273-8300

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SEP 20 2005

Dear Sir:

In connection with the above-captioned case, enclosed herewith are the following:

- (1) A Terminal Disclaimer (1 pg.) and
- (2) Response to Office Action (1 pg).


Please charge Deposit Account No. 50-2587 in the amount of \$130.

The Commissioner is hereby authorized to charge payment for any additional filing fees required under 37 CFR 1.16 or any patent application processing fees under 37 CFR 1.17 in association with this communication or credit any overpayment to Deposit 50-2587.

Respectfully submitted,

09/20/2005 MAHME1 00000093 502587 10786692

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\_\_\_\_\_  
John L. Rogitz, Atty. of Record, Reg. No. 33,549  
750 "B" Street, Suite 3120, San Diego, CA 92101  
Telephone: (619) 338-8075

JLR:jg  
Enc.

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| Serial No.: 10/786,692                           | ) | Examiner: Slavitt        |
|  | ) |                          |
| Filed: February 25, 2004                         | ) | HSJ920030241             |
|  | ) |                          |
| For: <b>SYSTEM AND METHOD FOR CORRECTING FOR</b> | ) | September 11, 2005       |
| <b>HEAD TILT IN HDD</b>                          | ) | 750 B STREET, Suite 3120 |
|  | ) | San Diego, CA 92101      |
|  | ) |                          |

I, John L. Rogitz, certify that, to the best of my knowledge and belief, the entire title to the present U.S. patent application and to U.S. Pat. App. 10/787,668 ("prior application") reside in Hitachi Global Storage Technologies ("the assignee").

Further, the assignee hereby agrees that any patent granted on the above-identified U.S. patent application shall be enforceable only for and during such period that said patent is commonly owned with the prior application, said agreement further being binding on any subsequent successors and assigns. The assignee hereby disclaims the terminal part of the statutory term any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 as presently shortened by any terminal disclaimer of any patent granted on the prior application.

The assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent granted on the prior application in the event that said patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for separation of legal title as set forth above.

Respectfully submitted,

  
John L. Rogitz, Reg. No. 33,549

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